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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,325	06/27/2003	Vincent S. Darago	5045.2.1D	7892

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EXAMINER	
HOANG, HIEU T	
ART UNIT	PAPER NUMBER
2452	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/609,325	DARAGO ET AL.	
	Examiner	Art Unit	
	HIEU T. HOANG	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *131-155* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *131-155* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/22/09, 9/22/09, 9/22/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/20/2009 has been entered.

2. Claims 1-130 are cancelled.

3. Claims 131-155 are new and pending.

Response to Arguments

4. Applicant's arguments have been fully considered but they are moot in view of new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 131, 132, 133, 140-145, 147-155 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. (US 6,385,596, hereafter Wiser), in view of Benson et al. (US 6,678,665, hereafter Benson) and what was known in the art at the time of the invention (Official notice or ON).

7. For claim 132, Wiser discloses a method for managing content in an operating environment that includes nodes, the method comprising the steps of:

- registering users (col. 4 lines 13-14, a consumer registers with the media licensing center);
- checking user passwords to prevent unregistered users from receiving content services (col. 4 lines 19-27, col. 9 lines 19-24, user pass-phrase created in the registration process used to authenticate the user from accessing media);
- receiving at a first node a request by a registered user for access to content (col. 9, lines 56-60, delivery server receives requests for a media data file) which contains at least one previously treated critical portion (col. 9, lines 25-34, encrypted media data file-related portion); and
- serving at least the critical portion over a network communications link to a second node for presentation to the registered user (col. 9 lines 60-67, deliver the requested media with encrypted portions).

Wiser does not explicitly disclose:

Preventing a copy of the critical portion of the content from being created on nonvolatile storage at the second peer node, at least in part by disabling caching and other disk writes.

However, Benson discloses preventing saving content to a nonvolatile disk by disabling disk writes (col. 11 lines 40-45)

Official notice is taken that it was well known in the art how to disable caching and other disk writes (see e.g. Douglis et al., US 6,587,877, col. 4 lines 32-33).

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Wiser, Benson and what was known in the art in order to disable caching and writing to prevent license information being copied or reproduced at the client's computer to prevent protected programs from being copied or saved to a disk for replication.

Wiser-Benson does not disclose that the invention is applied to peer nodes in a peer-to-peer network.

Official Notice is taken that peer-to-peer networks are known in the art for content distribution (see e.g., Shear et al., US 2001/0042043, title, abstract, [0044], media rights management in a peer-to-peer distributed environment)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Wiser, Benson and what was known in the art in order to apply content distribution scheme of Wiser to a peer-to-peer networks to take advantage of peer-to-peer environment such as good scalability and availability of content.

8. For claim 133, Wiser-Benson-ON further discloses the serving step serves digital content that contains at least one musical recording (Wiser, abstract).

9. For claim 140, Wiser-Benson-ON further discloses the critical portion comprises encrypted content (Wiser, col. 7 lines 27-30).

10. For claim 141, Wiser-Benson-ON further discloses the critical portion comprises compressed content (Wiser, col. 7 lines 20-25).

11. For claim 142, Wiser-Benson-ON further discloses the critical portion comprises licensed content (Wiser, col. 10 lines 18-24).

12. For claim 143, Wiser-Benson-ON further discloses the critical portion comprises content that is compressed and encrypted (Wiser, col. 7 lines 20-30).

13. For claim 144, Wiser-Benson-ON discloses the step of disabling use of at least a portion of the content after an expected security handshake is not received (Wiser, col. 10 lines 23-36, audio image data can only be used after authentication using public-private keys). Wiser does not disclose periodic handshaking. ON is taken that periodic handshaking is known in the art (e.g., Viavant et al. US 5,784,566, col. 6 l. 26-27). It would have been obvious for one skilled in the art at the time of the invention to implement periodic handshaking so that content license can be refreshed after a limited use time.

14. For claim 145, Wiser-Benson-ON further discloses the step of downloading at least a non-critical portion of the content to the second peer node and the serving step serves the critical portion (col. 9 lines 29-30, send media data and encrypted media

key). Wiser does not disclose downloading at least a portion at least one hour before the serving step. However, Official Notice is taken that it was well known how to download a portion of content before serving the content (see e.g., Metz et al., US 5,768,539, col. 38 lines 29-35, download an application file and image before execution of the application). It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Wiser (col. 9 l. 25-30, media data is non-critical portion and encrypted media key is critical portion) and what was known in the art to download a portion of the non-critical content at least one hour (or any time in advance) before serving the critical content so that non-critical bulky content can be pre-downloaded and can be served locally to maximize performance.

15. For claim 147, Wiser-Benson-ON further discloses the method moves content between peer nodes in response to actual requests from users (Wiser, col. 9 lines 54-67, deliver content upon user request).

16. For claim 148, Wiser-Benson-ON further discloses the method operates in conjunction with a license enforcement software program executing on a client node (Wiser, col. 10 lines 13-16).

17. For claim 149, Wiser-Benson-ON further discloses the method tracks content use in order to create records on which invoices are at least partially based (Wiser, col. 9 lines 40-52).

18. For claim 150, Wiser-Benson does not disclose the method tracks content location and determines whether content is already resident on the second peer node or near the second peer node. However, ON is taken that tracking whether content is

already resident on a node is known in the art (see e.g. Horvitz, US 6,182,133, col. 30 l. 22-23)

19. For claim 151, Wiser-Benson-ON further discloses only authenticated network users are able to access the content (Wiser, col. 9 lines 19-37, authentication of users for providing content).

20. For claim 131, Wiser discloses a method for managing content in a shared use operating environment (abstract), the shared use operating environment including a registration server (fig. 1B media licensing center 110), a content server connectable by a network link to the registration server (fig. 1B content manager 112), and a client workstation connectable by a client-server network communications link to the content server (fig. 1A, client system 126 linked to content manager 112 of fig. 1B), the method comprising the steps of:

- registering a user at the registration server, thereby characterizing the user as a registered user (col. 4 lines 13-14, a consumer registers with the media licensing center);
- receiving at the content server a request by the registered user for access to content (col. 9, lines 56-60, delivery server receives requests for a media data file) which contains at least one previously treated critical portion (col. 9, lines 25-34, encrypted media data file-related portion);
- authenticating the request (fig. 9BA, authenticate consumer certificate with receipt 946)

- serving at least the critical portion over the client-server network communications link for presentation to the registered user at the client workstation (col. 9 lines 60-67, deliver the requested media with encrypted portions);

Wiser does not explicitly disclose:

Preventing a copy of the critical portion of the content from being created on nonvolatile storage at the client workstation, at least in part by disabling caching and other disk writes.

However, Benson discloses preventing saving content to a nonvolatile disk by disabling disk writes (col. 11 lines 40-45)

Official notice is taken that it was well known in the art how to disable caching (see e.g. Douglis et al., US 6,587,877, col. 4 lines 32-33).

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Wiser, Benson and what was known in the art in order to disable caching and writing to prevent license information being copied or reproduced at the client's computer to prevent protected programs from being copied or saved to a disk for replication.

21. For claim 152, Wiser further discloses reserving a particular piece of content for a particular registered user (Wiser, fig. 9AB, 9BA, col. 16 l. 67- col. 17 l. 5, reservation of content for a registered user). Wiser-Benson does not disclose the piece of content is courseware content. However, Official Notice is taken that courseware content was well known in the art at the time of the invention (see e.g. Hollingsworth et al., US 6,157,808,

abstract, training course content). It would have been obvious for one skilled in the art at the time of the invention to apply the teachings of Wiser, Benson to what was known about courseware to reserve a piece of courseware content for users.

22. For claim 153, Wiser-Benson-ON further discloses monitoring the client-server network communications link so that the user pays only for actual use of content ("so that …" is an intended use, Wiser, fig. 9AA and 9AB, monitoring link between client and servers for payment for use of content).

23. For claim 154, Wiser-Benson further discloses the step of downloading at least a non-critical portion of the content to the second peer node and the serving step serves the critical portion (Wiser, col. 9 lines 29-30, send media data and encrypted media key). Wiser-Benson does not disclose downloading at least a portion at least one hour before the serving step. However, Official Notice is taken that it was well known how to download a portion of content before serving the content (see e.g., Metz et al., US 5,768,539, col. 38 lines 29-35, download an application file and image before execution of the application). It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Wiser and Benson (Wiser, col. 9 l. 25-30, media data is non-critical portion and encrypted media key is critical portion) and what was known in the art to download a portion of the non-critical content at least one hour (or any time in advance) before serving the critical content so that non-critical bulky content can be pre-downloaded and can be served locally to maximize performance.

24. For claim 155, Wiser-Benson-ON further discloses presenting the registered user with an invoice for usage of the content (Wiser, col. 17 line 61-col. 18 line 4, invoice to user).

25. Claims 134-139, 146 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser, Benson, what was known in the art, and in view of Salesky et al. (US 6,343,313, hereafter Salesky)

26. For claims 134 and 135, as applied to claim 87, Wiser-Benson-ON does not disclose the serving step serves digital content that contains visual images. However, Salesky discloses the same (Salesky, col. 3 lines 24-26, visual images, col. 3 lines 30-33, video). It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Wiser, Benson, ON and Salesky to provide more variety of content such as images and video to users.

27. For claim 136, Wiser-Benson-ON does not disclose the method delivers content by synchronous sharing. However, Salesky discloses real time sharing or streaming of audio and video conferences (Salesky, col. 3 lines 42-50). It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Wiser,

Benson, ON and Salesky to provide more variety of content such as real time video conferencing to users.

28. For claim 137, Salesky-Benson-ON-Wiser further discloses the method comprises video conferencing (Salesky, col. 3 lines 42-50).

29. For claims 138 and 139, Wiser-Benson-ON does not disclose the method delivers content in a real-time manner and/or and interactive manner. However, Salesky discloses the same (Salesky, col. 3 lines 42-50; col. 3 lines 42-50, video conference is an interactive application). It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Wiser, Benson, ON and Salesky to deliver content in a real-time manner and/or and interactive manner so that users can interact more efficiently with one another.

30. For claim 146, Wiser-Benson-ON does not disclose the method moves content between peer nodes in response to anticipated requests from users. However, Salesky discloses a method of prerecording conference content and delivering them upon anticipation of a time of conference (Salesky, col. 9 line 64-col. 10 line 7). It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Wiser, ON and Salesky to deliver content to nodes in response to anticipated requests from users so that sessions can be preserved and provided when appropriate delivery time comes.

Conclusion

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu T. Hoang whose telephone number is 571-270-1253. The examiner can normally be reached on Monday-Thursday, 8 a.m.-5 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HH/

/THU NGUYEN/
Supervisory Patent Examiner, Art Unit 2452